

## **IC 31-16-12**

### **Chapter 12. Enforcement of Child Support Orders**

#### **IC 31-16-12-1**

##### **Enforcement remedies**

Sec. 1. Notwithstanding any other law, all orders and awards contained in a child support decree or an order directing a person to pay a child support arrearage may be enforced by:

- (1) contempt, including the provisions under section 6 of this chapter;
- (2) assignment of wages or other income; or
- (3) any other remedies available for the enforcement of a court order;

except as otherwise provided by IC 31-16-2 through IC 31-16-11 or this chapter.

*As added by P.L.1-1997, SEC.8. Amended by P.L.197-1997, SEC.11; P.L.123-2001, SEC.2; P.L.39-2002, SEC.1.*

#### **IC 31-16-12-2**

##### **Delinquent child support payments; interest charges**

Sec. 2. The court may, upon a request by the person or agency entitled to receive child support payments, order interest charges of not more than one and one-half percent (1 1/2%) per month to be paid on any delinquent child support payment. The person or agency may apply for interest if support payments are not made in accordance with the support order. Accrued interest charges may be collected in the same manner as support payments under IC 31-16-9.

*As added by P.L.1-1997, SEC.8.*

#### **IC 31-16-12-3**

##### **Arrearages; court orders**

Sec. 3. (a) The obligation of a person to pay child support arrearages does not terminate when the person's duty to support a child ceases under IC 31-16-6-6 (or IC 31-1-11.5-12(e) before its repeal). The statutes applicable to the collection of child support obligations are applicable to the collection of child support arrearages described in this section.

(b) The court, upon request of a person or an agency entitled to receive child support payments, may issue an order that contains any of the following:

- (1) A determination of the amount of child support arrearage due to a person or an agency entitled to receive child support payments.
- (2) An order directing a person to pay the child support arrearage.
- (3) The schedule and other terms on which a person is to pay a child support arrearage.
- (4) Any other provision that the court determines to be appropriate.

An order issued under this subsection is enforceable to the same extent as an order or award in a child support decree.

*As added by P.L.1-1997, SEC.8. Amended by P.L.39-2002, SEC.2.*

#### **IC 31-16-12-4**

##### **Enforcement of judgment; income withholding order**

Sec. 4. Upon application to the court for enforcement of an order for support, the court may:

- (1) enforce a judgment created under IC 31-16-16-2 (or IC 31-2-11-8 before its repeal) against the person obligated to pay support;
- (2) issue an income withholding order as provided in IC 31-16-15-1; or
- (3) activate an income withholding order as provided in IC 31-16-15-5 or IC 31-16-15-6.

*As added by P.L.1-1997, SEC.8.*

#### **IC 31-16-12-5**

##### **Additional remedies**

Sec. 5. The enforcement remedies provided under this chapter are in addition to other remedies available for collecting delinquent support.

*As added by P.L.1-1997, SEC.8.*

#### **IC 31-16-12-6**

##### **Contempt**

Sec. 6. (a) If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court. If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after:

- (1) the child becomes eighteen (18) years of age; or
- (2) the emancipation of the child;

whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court.

(b) The court may order a party who is found in contempt of court under this section to:

- (1) perform community restitution or service without compensation in a manner specified by the court; or
- (2) seek employment.

*As added by P.L.1-1997, SEC.8. Amended by P.L.32-2000, SEC.18; P.L.123-2001, SEC.3; P.L.86-2002, SEC.11.*

#### **IC 31-16-12-7**

##### **Suspension of delinquent person's driving privileges**

Sec. 7. If a court finds that a person is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for support, the court shall issue an order to the bureau of motor vehicles:

- (1) stating that the person is delinquent; and
- (2) ordering the following:
  - (A) If the person who is the subject of the order holds a driving license or permit on the date of issuance of the order, that the

driving privileges of the person be suspended until further order of the court.

(B) If the person who is the subject of the order does not hold a driving license or permit on the date of issuance of the order, that the bureau may not issue a driving license or permit to the person until the bureau receives a further order of the court.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-12-8**

#### **Suspension or denial of delinquent person's professional license**

Sec. 8. If a court finds that a person who is an applicant (as defined in IC 25-1-1.2-1), a practitioner (as defined in IC 25-1-1.2-6), an attorney, or a licensed teacher is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for support, the court shall issue an order to the board regulating the practice of the person's profession or occupation:

- (1) requiring that the person's or practitioner's license be suspended until further order of the court; or
- (2) ordering the board not to issue a license to the person who is the subject of the order if the person does not currently hold a license.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-12-9**

#### **Suspension of delinquent person's horse racing commission or gaming commission license**

Sec. 9. If a court finds that a person who holds a license issued under IC 4-31-6 or IC 4-33 is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for child support, the court shall issue an order to:

- (1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6; or
- (2) the Indiana gaming commission if the person holds a license issued under IC 4-33;

requiring that the person's license be suspended until further order of the court.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-12-10**

#### **Suspension, denial, or nonrenewal of delinquent person's insurance, recovery, or bail agent's license**

Sec. 10. If a court finds that a person who holds a license or who is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for child support, the court shall issue an order to the commissioner of the department of insurance:

- (1) requiring that the person's license be suspended until further order of the court;
- (2) ordering the commissioner not to issue a license to the person who is the subject of the order if the person does not currently hold a license; or

(3) ordering the commissioner not to renew the license of a person who is the subject of the order.

*As added by P.L.1-1997, SEC.8. Amended by P.L.132-2001, SEC.23.*

### **IC 31-16-12-11**

#### **Payment of arrearage; stay of order to licensing authority**

Sec. 11. Notwithstanding section 7, 8, 9, or 10 of this chapter, the court may stay the issuance of an order under section 7, 8, 9, or 10 of this chapter (or IC 31-1-11.5-13(j), IC 31-1-11.5-13(k), IC 31-1-11.5-13(l), or IC 31-1-11.5-13(m) before the repeal of IC 31-1-11.5-13) if:

- (1) the person pays the child support arrearage in full; or
- (2) an income withholding order under IC 31-16-15 (or IC 31-2-10 before its repeal) is activated and a payment plan to pay the arrearage is established.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-12-12**

#### **Registration of child support order**

Sec. 12. (a) This section applies if:

- (1) the parent who is entitled to receive child support; and
- (2) the parent who is ordered to pay child support;

are both present in Indiana.

(b) The parent who is entitled to receive child support may register a child support order issued by another Indiana court or foreign court for the sole purpose of enforcement in accordance with IC 31-18-6-1 through IC 31-18-6-8 of the Uniform Interstate Family Support Act.

*As added by P.L.1-1997, SEC.8.*